



CITY COUNCIL  
ATLANTA, GEORGIA

A RESOLUTION

BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE

02-*R*-1846

**A RESOLUTION AUTHORIZING PAYMENT IN THE  
AMOUNT OF \$4,061.25 TO BAXTER P. JONES IN  
SETTLEMENT OF HIS CLAIM AGAINST THE CITY OF  
ATLANTA**

**WHEREAS, Baxter P. Jones** has filed a claim against the City of Atlanta seeking recovery for damages sustained to his property arising from the City's repair of a sewer line located in his backyard; and

**WHEREAS,** the damage done by the City included damage to the landscaping, irrigation system and planters; and

**WHEREAS,** the claimant has asserted damages in the amount of **\$4,061.25** and has agreed to accept this sum in full and complete satisfaction and settlement of his claim against the City of Atlanta; and

**WHEREAS,** the City Attorney has recommended that the claim of Baxter P. Jones be settled for the sum of **\$4,061.25**.

**THEREFORE, BE IT RESOLVED** that the Council of the City of Atlanta, Georgia that **\$4,061.25** be paid by the City of Atlanta in satisfaction of any and all claims Baxter P. Jones may have stemming from damages sustained to his property located at 200 Peachtree Circle between September and November, 2001; and

**BE IT FURTHER RESOLVED** that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 2J01/529017/T31001.

A true copy,

*Phonda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

NOV 04, 2002  
NOV 08, 2002

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0152

Date: October 16, 2002

Claimant /Victim BAXTER P. JONES

BY:(Atty.)(Ins. Co.) \_\_\_\_\_

Address: 200 Peachtree Circle, Atlanta, Georgia 30309

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 4,061.25 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 02/12/02 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 09-11/01 Place: 200 Peachtree Circle

Department Public Works Division: Sewer Operations

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant's landscaping and sprinkler system were damaged during the repair of a sewer line in the claimant's backyard causing damages in the above amount.

INVESTIGATION:

Statements: City employee X Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written X Oral X

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_

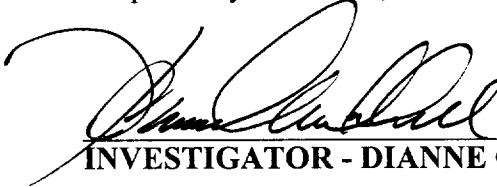
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable X

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 4,061.25 Adverse \_\_\_\_\_ Account charged: 1A01 \_\_\_\_\_ 2J01 X 2H01 \_\_\_\_\_ 2P01 \_\_\_\_\_

Claims Manager: Dianne C. Mitchell Concur/date 10-16-02

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 4209  
11/04/02  
6:38 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-10; Except 02-R-1871  
02-R-1885; 02-O-1879  
ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	B Norwood
Y Young	Y Shook	Y Maddox	Y Willis
NV Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

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**11/08/02 Council Meeting**

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**ITEMS ADOPTED ON CONSENT****AGENDA**

1. 02-O-1730
2. 02-O-1733
3. 02-O-1734
4. 02-O-1891
5. 02-O-1537
6. 02-O-1550
7. 02-R-1587
8. 02-R-1893
9. 02-R-1857
10. 02-R-1858
11. 02-R-1883
12. 02-R-1901
13. 02-R-1851
14. 02-R-1852
15. 02-R-1729
16. 02-R-1910
17. 02-R-1846
18. 02-R-1862
19. 02-R-1626
20. 02-R-1855
21. 02-R-1876
22. 02-R-1815
23. 02-R-1816
24. 02-R-1817
25. 02-R-1818
26. 02-R-1819
27. 02-R-1820
28. 02-R-1821
29. 02-R-1822
30. 02-R-1823
31. 02-R-1824
32. 02-R-1825
33. 02-R-1826

**ITEMS ADVERSE****ON CONSENT AGENDA**

34. 02-R-1827
35. 02-R-1828
36. 02-R-1829
37. 02-R-1830
38. 02-R-1831
39. 02-R-1832
40. 02-R-1833
41. 02-R-1834
42. 02-R-1835
43. 02-R-1836
44. 02-R-1837
45. 02-R-1838
46. 02-R-1839
47. 02-R-1841
48. 02-R-1842
49. 02-R-1843
50. 02-R-1844
51. 02-R-1845

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Consent I Vote: 13 Yeas; 0 Nays (See RCS #4209)  
Items Removed from Consent: 02-R-1871; 02-R-1885; 02-O-1879  
(Initial Consent Vote Reconsidered; See RCS #4162 & RCS #4208)

02-1846

(Do Not Write Above This Line)

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PAYMENT IN THE AMOUNT OF \$4,061.25  
TO BAXTER P. JONES IN SETTLEMENT  
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ATLANTA

APPROVED BY:

*Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

- ☐ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee  
Date  
Chair  
Referred to

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

ADOPTED BY  
Members

NOV 04 2002

COUNCIL

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

NOV 04 2002

MAYOR'S ACTION

NOV 08 2002

MAYOR